## REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 6 and 54 are canceled without prejudice. Claims 1-5, 7-11, 20-29, 41, 42, 49-53, 55-67, and 76-69 are pending in this application.

### 35 U.S.C. § 102

Claims 1-11, 20-29, 41-42, 49-67, and 76-79 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,330,670 to England et al. (hereinafter "England"). Claims 6 and 54 have been canceled without prejudice, thereby rendering the rejection of claims 6 and 54 moot.

England is directed to a digital rights management operating system (see, Title). As discussed in the Abstract of England, a digital rights management operating system protects rights-managed data, such as downloaded content, from access by untrusted programs while the data is loaded into memory or on a page file as a result of the execution of a trusted application that accesses the memory. To protect the rights-managed data resident in memory, the digital rights management operating system refuses to load an untrusted program into memory while the trusted application is executing or removes the data from memory before loading the untrusted program. If the untrusted program executes at the operating system level, such as a debugger, the digital rights management operating system renounces a trusted identity created for it by the computer processor when the computer was booted. To protect the rights-managed data on the page file, the digital rights management operating system prohibits raw access to the page file,

or erases the data from the page file before allowing such access. Alternatively, the digital rights management operating system can encrypt the rights-managed data prior to writing it to the page file. The digital rights management operating system also limits the functions the user can perform on the rights-managed data and the trusted application, and can provide a trusted clock used in place of the standard computer clock.

With respect to amended claim 1, amended claim 1 recites:

> A method comprising:
> receiving a request to transfer application data from a source computing device to a destination computing device;
> checking whether the application data can be transferred to the destination computing device, and if so, then checking whether the application data can be transferred under control of a user or a third party, wherein checking whether the application data can be transferred comprises checking a type of the application data, the type of the application data being one of non-migrateable, user-migrateable, and third party-migrateable; and
> receiving input from the appropriate one of the user or third party to control transferring of the application data to the destination computing device.

In the August 25, 2005 Office Action at p. 3, England at column 9, lines 45-48 and column 8, lines 56-65 is cited as disclosing checking whether the application data can be transferred to the destination computing device. However, claim 1 has been amended to further recite "wherein checking whether the application data can be transferred comprises checking a type of the application data, the type of the application data being one of non-migrateable, user-migrateable, and third party-migrateable". Applicant respectfully submits that the portions of England cited in rejecting claim 1 do not disclose the method of amended claim 1, including wherein checking whether the application data can be

transferred comprises checking a type of the application data, the type of the application data being one of non-migrateable, user-migrateable, and third party-migrateable as recited in amended claim 1.

For at least these reasons, Applicant respectfully requests that the §102 rejection of claim 1 be withdrawn.

With respect to claims 2-5 and 7-11, Applicant respectfully requests that the §102 rejection of claims 2-5 and 7-11 be withdrawn at least because of the dependence of claims 2-5 and 7-11 on amended claim 1.

With respect to claim 20, claim 20 recites:

> One or more computer readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a source computing device, causes the one or more processors to:
>
> receive a request to transfer an application secret from the source computing device to a destination computing device;
>
> identify a type of the application secret;
>
> if the type is non-migrateable, then not allow the application secret to be transferred;
>
> if the type is user-migrateable, then allow the application secret to be transferred under control of a user; and
>
> if the type is third party-migrateable, then allow the application secret to be transferred under control of a third party.

Thus, as can be seen in claim 20, a type of the application secret is identified, and then different actions are taken based on whether that identified type is non-migrateable, user-migrateable, or third party-migrateable. Applicant respectfully submits that the portions of England cited in the August 25, 2005 Office Action as disclosing claim 20 do not disclose such an identification of a type of an application secret, and then one of the different actions being taken based on whether the identified type is non-migrateable, user-migrateable, or third party-

migrateable. Furthermore, Applicant notes that the rejection of claim 20 in the August 25, 2005 Office Action does not identify where in England such an identification of a type of an application secret, and then one of the different actions being taken based on whether the identified type is non-migrateable, user-migrateable, or third party-migrateable is asserted as being disclosed. The rejection of claim 20 in the August 25, 2005 Office Action refers to the language of claim 1, not the language of claim 20. Accordingly, Applicant respectfully requests that the §102 rejection of claim 20 be withdrawn for at least these reasons.

With respect to claims 20-29, Applicant respectfully requests that the §102 rejection of claims 20-29 be withdrawn at least because of the dependence of claims 20-29 on claim 20.

With respect to amended claim 41, amended claim 41 recites:

> One or more computer readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a computing device, causes the one or more processors to:
>
> receive a plurality of encrypted application secrets from another computing device;
>
> identify a first group of the plurality of encrypted application secrets that are to be decrypted under user control;
>
> obtain, from a user of the computing device, a passphrase;
>
> use the passphrase to decrypt each encrypted application secret of the first group of encrypted application secrets;
>
> identify a second group of the plurality of encrypted application secrets that are to be decrypted under third party control; and
>
> communicate with a third party to have each encrypted application secret of the second group of encrypted application secrets decrypted.

Applicant respectfully submits that the portions of England cited in the August 25, 2005 Office Action as disclosing claim 41 do not disclose all of the recited elements of amended claim 41, including the identification of two groups of the plurality of encrypted application secrets, and how those two groups are decrypted. Furthermore, Applicant notes that the rejection of claim 41 in the August 25, 2005 Office Action does not identify where in England all of the recited elements of claim 41 are asserted as being disclosed. The rejection of claim 41 in the August 25, 2005 Office Action refers to the language of claim 1, not the language of claim 41. Accordingly, Applicant respectfully requests that the §102 rejection of claim 41 be withdrawn for at least these reasons.

With respect to claim 42, Applicant respectfully requests that the §102 rejection of claim 42 be withdrawn at least because of the dependence of claim 42 on claim 41.

With respect to amended claim 49, amended claim 49 recites:

> A method comprising:
> receiving a request to transfer a plurality of application secrets from a source computing device to a destination computing device;
> identifying which one of a plurality of types of application secrets the plurality of application secrets correspond to;
> identifying a key associated with the one type;
> allowing the plurality of application secrets to be accessible to the destination computing device by communicating the key to the destination computing device so that the destination computing device can use the key to decrypt the plurality of application secrets.

Applicant respectfully submits that the portions of England cited in the August 25, 2005 Office Action as disclosing claim 49 do not disclose all of the recited elements of amended claim 49, including allowing the plurality of application secrets to be accessible to the destination computing device by communicating the

key to the destination computing device so that the destination computing device can use the key to decrypt the plurality of application secrets. Furthermore, Applicant notes that the rejection of claim 49 in the August 25, 2005 Office Action does not identify where in England all of the recited elements of claim 49 are asserted as being disclosed. The rejection of claim 49 in the August 25, 2005 Office Action refers to the language of claim 1, not the language of claim 49. Accordingly, Applicant respectfully requests that the §102 rejection of claim 49 be withdrawn for at least these reasons.

With respect to claims 50 and 51, Applicant respectfully requests that the §102 rejection of claims 50 and 51 be withdrawn at least because of the dependence of claims 50 and 51 on amended claim 49.

With respect to amended claim 52, amended claim 52 recites:

> A method comprising:
> receiving a request to transfer data from a source computing device to a destination computing device;
> checking whether the data can be transferred to the destination computing device, and if so, then checking whether the data can be transferred under control of a user or a third party, wherein checking whether the data can be transferred comprises checking a type of the data, the type of the data being one of non-migrateable, user-migrateable, and third party-migrateable; and
> receiving input from the appropriate one of the user or third party to control transferring of the data to the destination computing device.

Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, the portions of England cited in the August 25, 2005 Office Action in rejecting claim 52 do not disclose the method of amended claim 52, including wherein checking whether the data can be transferred comprises checking a type of the data, the type of the data being one of non-migrateable,

user-migrateable, and third party-migrateable as recited in amended claim 52. For at least these reasons, Applicant respectfully requests that the §102 rejection of claim 52 be withdrawn for at least these reasons.

With respect to claims 53 and 55-58, Applicant respectfully requests that the §102 rejection of claims 53 and 55-58 be withdrawn at least because of the dependence of claims 53 and 55-58 on amended claim 52.

With respect to claim 59, claim 59 recites:

> One or more computer readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a source computing device, causes the one or more processors to:
>
> receive a request to transfer data from the source computing device to a destination computing device;
>
> identify a type of the data;
>
> if the type is non-migrateable, then not allow the data to be transferred;
>
> if the type is user-migrateable, then allow the data to be transferred under control of a user; and
>
> if the type is third party-migrateable, then allow the data to be transferred under control of a third party.

Applicant respectfully submits that, similar to the discussion above regarding claim 20, the portions of England cited in the August 25, 2005 Office Action as disclosing claim 59 do not disclose an identification of a type of data, and then one of the different actions being taken based on whether the identified type is non-migrateable, user-migrateable, or third party-migrateable. Furthermore, Applicant notes that the rejection of claim 59 in the August 25, 2005 Office Action does not identify where in England such an identification of a type of data, and then one of the different actions being taken based on whether the identified type is non-migrateable, user-migrateable, or third party-migrateable is asserted as being

disclosed. The rejection of claim 59 in the August 25, 2005 Office Action refers to the language of claim 1, not the language of claim 59. Accordingly, Applicant respectfully requests that the §102 rejection of claim 59 be withdrawn for at least these reasons.

With respect to claims 60-67, given that claims 60-67 depend from claim 59, Applicant respectfully requests that the §102 rejection of claims 60-67 be withdrawn.

With respect to claims 60-67, Applicant respectfully requests that the §102 rejection of claims 60-67 be withdrawn at least because of the dependence of claims 60-67 on claim 59.

With respect to amended claim 76, amended claim 76 recites:

> A method comprising:
> receiving a request to transfer a plurality of secrets from a source computing device to a destination computing device;
> identifying which one of a plurality of types of secrets the plurality of secrets correspond to;
> identifying a key associated with the one type; and
> allowing the plurality of secrets to be accessible to the destination computing device by communicating the key to the destination computing device so that the destination computing device can use the key to decrypt the plurality of secrets.

Applicant respectfully submits that, similar to the discussion above regarding claim 49, the portions of England cited in the August 25, 2005 Office Action as disclosing claim 76 do not disclose all of the recited elements of amended claim 76, including allowing the plurality of secrets to be accessible to the destination computing device by communicating the key to the destination computing device so that the destination computing device can use the key to decrypt the plurality of secrets. Furthermore, Applicant notes that the rejection of claim 76 in the August

25, 2005 Office Action does not identify where in England all of the recited elements of claim 76 are asserted as being disclosed. The rejection of claim 76 in the August 25, 2005 Office Action refers to the language of claim 1, not the language of claim 76. Accordingly, Applicant respectfully requests that the §102 rejection of claim 76 be withdrawn for at least these reasons.

With respect to claims 77-79, Applicant respectfully requests that the §102 rejection of claims 77-79 be withdrawn at least because of the dependence of claims 77-79 on amended claim 76.

Applicant respectfully requests that the §102 rejections be withdrawn.

**Conclusion**

Claims 1-5, 7-11, 20-29, 41, 42, 49-53, 55-67, and 76-69 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: 2/22/06

By: _____

Allan T. Sponseller
Reg. No. 38,318
(509) 324-9256